

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Michael J. SHEA

Atty. Ref.: EX-4-COMM

Serial No. TBA

Group: TBA

Filed: December 8, 2003

Examiner: TBA

For: SYSTEM AND METHOD FOR COMMUNICATING EXERCISER-  
RELATED AND/OR WORKOUT MESSAGES

\* \* \* \* \*

December 8, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☐ A check for \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p) is attached.

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is a check for \$180.00 in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable

Michael J. SHEA  
Serial No. TBA

inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed , (copy attached) which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

8. ☐ Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Copies of the U.S. patents identified on the attached PTO-1449 forms are not enclosed pursuant to 1276 OG 55.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By: Michael J. Shea  
Michael J. Shea  
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Vienna, VA 22182

**INFORMATION DISCLOSURE  
CITATION**

ATTY. DOCKET NO.

**EX-4-COMM**

SERIAL NO.

**TBA**

APPLICANT

**Michael J. SHEA**

(Use several sheets if necessary)

FILING DATE

**December 8, 2003**

GROUP

**TBA****U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,659,916	12/2003	Shea	482	57	
	6,638,198	10/2003	Shea	484	4	
	6,497,638	12/2002	Shea	482	8	
	6,464,618	10/2002	Shea	482	8	
	6,171,218	1/2001	Shea	482	57	
	6,059,692	5/2000	Hickman	482	8	
	6,050,924	4/2000	Shea	482	57	
	6,042,519	3/2000	Shea	482	57	
	5,961,332	10/1999	Joao	434	236	
	5,949,951	9/1999	Sklar <i>et al.</i>	386	46	
	5,947,869	9/1999	Shea	482	8	
	5,944,633	8/1999	Wittrock	482	4	
	5,931,763	8/1999	Alessandri	482	4	
	5,916,063	6/1999	Alessandri	482	4	
	5,890,997	4/1999	Roth	482	8	
	5,810,747	9/1998	Brudny <i>et al.</i>			
	5,785,630	7/1998	Bobick <i>et al.</i>			
	5,706,822	1/1998	Khavari	600	483	
	5,655,997	8/1997	Greenberg <i>et al.</i>	482	5	
	5,591,104	1/1997	Andrus <i>et al.</i>			
	5,553,860	9/1996	Zelikovich	273	371	
	5,547,439	8/1996	Rawls <i>et al.</i>			
	5,516,334	5/1996	Easton	482	8	
	5,512,025	4/1996	Dalebout <i>et al.</i>	482	903	
	5,462,504	10/1995	Trulaske <i>et al.</i>			
	5,410,472	4/1995	Anderson	482	9	
	5,387,164	2/1995	Brown, Jr.			
	5,374,227	12/1994	Webb	482	52	

**FOREIGN PATENT DOCUMENTS**

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**


*Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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CITATION**

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GROUP

**TBA**
**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,361,091	11/1994	Hoarty et al.	348	7	
	5,246,411	9/1993	Rackman	482	57	
	5,213,555	5/1993	Hood et al.			
	5,207,621	5/1993	Koch et al.	434	247	
	5,142,358	8/1992	Jason	434	247	
	5,067,710	11/1991	Watterson et al.	482	9	
	5,020,795	6/1991	Airy et al.			
	4,934,694	6/1990	McIntosh	482	9	
	4,907,795	3/1990	Shaw et al.	482	9	
	4,842,274	6/1989	Oosthuizen et al.			
	4,828,257	5/1989	Dyer et al.			
	4,708,337	11/1987	Shyu	482	54	
	4,642,769	2/1987	Petrofsky			
	4,571,682	2/1986	Silverman et al.			
	4,358,105	11/1982	Sweeney, Jr.			
	4,112,928	9/1978	Putsch			
	3,767,195	10/1973	Dimick			

**FOREIGN PATENT DOCUMENTS**

						TRANSLATION	
DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS		YES	NO

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	Universal® Physical Conditioning Equipment, 1985 Catalog, pages 9-11
1	"24 Hour Fitness Partners with Netpulse", Netpulse -- Press Releases, <a href="http://web.archive.org/web/20010119102700/www.netpulse.net/press/releases/19980309.html">http://web.archive.org/web/20010119102700/www.netpulse.net/press/releases/19980309.html</a> , 3/9/1998, 2 pages
1	"Netpulse Makes Working Out More Than a Calorie-Burning Session", Netpulse -- Press: Releases, <a href="http://web.archive.org/web/20010119105500/www.netpulse.net/press/releases/19980302.html">http://web.archive.org/web/20010119105500/www.netpulse.net/press/releases/19980302.html</a> , 3/2/1998, 2 pages
	Ad Resource: Search Results, 1 page
	Netpulse, Ad Resource: Internet Advertising and Promotion Resources, <a href="http://web.archive.org/web/20000820192238/http://adres.internet.com/advertising/networks/print/0,1401,8371,215771,00.html">http://web.archive.org/web/20000820192238/http://adres.internet.com/advertising/networks/print/0,1401,8371,215771,00.html</a> , printable version, 10/11/1999, 1 page
	Netpulse, Ad Resource: Internet Advertising and Promotion Resources, <a href="http://web.archive.org/web/20000816090822/http://adres.internet.com/advertising/networks/article/0,1401,8371,215771,00.html">http://web.archive.org/web/20000816090822/http://adres.internet.com/advertising/networks/article/0,1401,8371,215771,00.html</a> , screen shot, 10/11/1999, 2 pages
	Netpulse Frequent Fitness Program Instructions, <a href="http://www.netpulse.com/html/members/programs/frequentfitness.html">http://www.netpulse.com/html/members/programs/frequentfitness.html</a> , 1998, 2 pages

\*Examiner

Date Considered

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